

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

In re NATIONAL PRESCRIPTION OPIATE LITIGATION	)	MDL No. 2804
	)	
	)	No. 1:17-md-2804
	)	
This Document Relates To:	)	Judge Dan A. Polster
	)	
<i>The City and County of San Francisco,</i>	)	
<i>California and The People of the State</i>	)	
<i>of California v. Purdue Pharma L.P., et</i>	)	
<i>al.,</i>	)	
Case No. 1:19-op-45022-DAP	)	
	)	
	)	
	)	

JOINT STIPULATION OF DESIGNATION OF REMAND RECORD  
PURSUANT TO JPML RULE 10.4(a)

Pursuant to Rule 10.4(a) of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation (“JPML”), Plaintiff the People of the State of California, acting by and through San Francisco City Attorney Dennis J. Herrera (“Plaintiff”), and Defendants Cephalon, Inc., Teva Pharmaceuticals USA, Inc.,<sup>1</sup> Endo Health Solutions Inc., Endo Pharmaceuticals Inc., Par Pharmaceutical, Inc., Par Pharmaceutical Companies, Inc.,<sup>2</sup> Johnson & Johnson, Janssen Pharmaceuticals, Inc. (formerly known as Ortho-McNeil-Janssen Pharmaceuticals, Inc. and Janssen Pharmaceutica, Inc.), Noramco, Inc., Allergan Limited (formerly known as Allergan plc, formerly known as Actavis plc), Allergan Finance, LLC (formerly known as Actavis, Inc., formerly known as Watson Pharmaceuticals, Inc.), Watson Laboratories, Inc., Actavis Pharma, Inc. (formerly known as Watson Pharma, Inc.), Actavis LLC, Allergan Sales, LLC, Allergan USA, Inc., Warner Chilcott Company, LLC, Actavis Elizabeth LLC, Actavis Mid Atlantic LLC, Actavis Kadian LLC, Actavis Totowa LLC, Actavis South Atlantic LLC, Actavis Laboratories UT, Inc. (formerly known as Watson Laboratories, Inc. – Salt Lake City), Actavis Laboratories FL, Inc. (formerly known as Watson Laboratories, Inc. – Florida), AmerisourceBergen Drug Corporation, Cardinal Health, Inc., McKesson Corporation, Anda, Inc., and Walgreen Co. (collectively, “Defendants”),<sup>3</sup> hereby submit the parties’ joint stipulation of the contents of the record to be remanded to the U.S. District Court for the Northern District of California and state as follows:

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<sup>1</sup> Teva Pharmaceuticals Industries Ltd. continues to contest and object to personal jurisdiction and is exploring options regarding the denial of its motion to dismiss and as a result has not joined this stipulation. In the event that it is ultimately determined to be a party to this litigation, over its objections to personal jurisdiction, it will be bound by these designations.

<sup>2</sup> Endo International plc, a Defendant currently seeking reconsideration of the order denying its motion to dismiss for lack of personal jurisdiction, has not joined this stipulation. In the event the transferor court denies the motion for reconsideration, it will also be bound by these designations.

<sup>3</sup> Action against certain Defendants named by Plaintiff – namely, the Purdue Defendants (Purdue Pharma L.P., Purdue Pharma Inc., The Purdue Frederick Company, Inc., Richard S. Sackler, Jonathan D. Sackler, Mortimer D.A. Sackler, Kathe A. Sackler, Ilene Sackler Lefcourt, Beverly Sackler, Theresa Sackler, David A. Sackler, the Trust for the Benefit of Members of the Raymond

This action was filed in the United States District Court for the Northern District of California and transferred to this Court for consolidated proceedings as part of *In re Nat'l Prescription Opiate Litig.*, Case No. 1:17-md-2804 (N.D. Ohio). ECF No. 1281. On November 20, 2019, this Court filed a Suggestion of Remand with the JPML, which included the suggestion that this action be remanded to the United States District Court for the Northern District of California. JPML ECF No. 6242.<sup>4</sup> The same day, the JPML issued a Conditional Remand Order remanding this action. JPML ECF No. 6257. On November 27, 2019, certain defendants filed a notice of opposition to the Conditional Remand Order of this action. JPML ECF No. 6354. On February 5, 2020, after consideration of briefing in support of and opposed to that opposition, the JPML remanded this action to the United States District Court for the Northern District of California. JPML ECF No. 7033.

Pursuant to JPML Rule 10.4(a) and the above-referenced remand order, the parties hereby designate the following items for inclusion in the record on remand:

- A. As required by JPML Rule 10.4(b), all entries in the Northern District of California individual case docket for *City and County of San Francisco, et al. v. Purdue Pharma L.P., et al.*, Case No. 3:18-cv-07591-CRB;
- B. All entries in the Northern District of Ohio's individual case docket for *City and County of San Francisco, et al. v. Purdue Pharma L.P., et al.*, Case No. 1:19-op-45022 from the date of transfer forward; and
- C. The documents and docket entries from the Master MDL Docket, No. 1:17-md-2804 (N.D. Ohio) dated prior to the remand of this action on February 5, 2020, that are jointly stipulated or designated solely by Plaintiff and listed on Attachment A

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Sackler Family, and Rhodes Pharmaceuticals L.P.), Insys Therapeutics, Inc., Mallinckrodt plc, Mallinckrodt LLC, and SpecGx LLC – is presently stayed pursuant to ongoing bankruptcy proceedings. Consequently, they are not among the parties that join this stipulation.

<sup>4</sup> References to “JPML ECF No.” are to the docket entries in *In re Nat'l Prescription Opiate Litig.*, MDL No. 2804 (J.P.M.L.).

hereto, provided that all parties reserve all rights and objections to documents not jointly designated.<sup>5</sup>

Plaintiff further designates certain documents and docket entries listed on Attachment A that post-date the remand of this action on February 5, 2020. Defendants object and do not stipulate to the designation of these documents and reserve all rights.

The parties reserve all rights to challenge the relevance, admissibility, applicability, and/or legal effect of any document, docket entry, or filing designated herein. Further, while the parties were diligent in reviewing the dockets and making these designations, the parties reserve the right to present to the transferor court any documents or filings that were inadvertently excluded from this designation, and all other parties reserve all objections to such documents.

DATED: December 2, 2020

ROBBINS GELLER RUDMAN  
& DOWD LLP  
AELISH M. BAIG  
MATTHEW S. MELAMED  
HADIYA K. DESHMUKH

---

s/ Aelish M. Baig  
AELISH M. BAIG

Post Montgomery Center  
One Montgomery Street, Suite 1800  
San Francisco, CA 94104  
Telephone: 415/288-4545  
415/288-4534 (fax)  
aelishb@rgrdlaw.com  
mmelamed@rgrdlaw.com  
hdeshmukh@rgrdlaw.com

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<sup>5</sup> Defendants do not agree that the inclusion of a docket entry from the Master MDL Docket means that it applies or governs in this case.

DENNIS J. HERRERA  
City Attorney  
RONALD P. FLYNN  
YVONNE R. MERE  
OWEN J. CLEMENTS  
SARA J. EISENBERG  
JAIME M. HULING DELAYE  
Deputy City Attorneys  
Fox Plaza  
1390 Market Street, Sixth Floor  
San Francisco, CA 94102  
Telephone: 415/554-3944  
415/437-4644 (fax)  
owen.clements@sfcityatty.org

ROBBINS GELLER RUDMAN  
& DOWD LLP  
PAUL J. GELLER  
MARK J. DEARMAN  
DOROTHY P. ANTULLIS  
120 East Palmetto Park Road, Suite 500  
Boca Raton, FL 33432  
Telephone: 561/750-3000  
561/750-3364 (fax)  
pgeller@rgrdlaw.com  
mdearman@rgrdlaw.com  
dantullis@rgrdlaw.com

ROBBINS GELLER RUDMAN  
& DOWD LLP  
THOMAS E. EGLER  
CARISSA J. DOLAN  
655 West Broadway, Suite 1900  
San Diego, CA 92101  
Telephone: 619/231-1058  
619/231-7423 (fax)  
tome@rgrdlaw.com  
cdolan@rgrdlaw.com

LIEFF, CABRASER, HEIMANN  
& BERNSTEIN, LLP  
ELIZABETH J. CABRASER  
RICHARD M. HEIMANN  
KEVIN R. BUDNER  
MICHAEL LEVIN-GESUNDHEIT  
275 Battery Street, 29th Floor  
San Francisco, CA 94111-3339  
Telephone: 415/956-1000  
415/956-1008 (fax)  
ecabraser@lchb.com  
rheimann@lchb.com  
kbudner@lchb.com  
mlevin@lchb.com

LIEFF, CABRASER, HEIMANN  
& BERNSTEIN, LLP  
PAULINA DO AMARAL  
250 Hudson Street, 8th Floor  
New York, NY 10013  
Telephone: 212/355-9500  
212/355-9592 (fax)  
pdoamaral@lchb.com

RENNE PUBLIC LAW GROUP  
LOUISE RENNE  
350 Sansome Street, Suite 300  
San Francisco, CA 94104  
Telephone: 415/848-7240  
415/848-7230 (fax)  
lrenne@publiclawgroup.com

ANDRUS ANDERSON LLP  
JENNIE LEE ANDERSON  
AUDREY SIEGEL  
155 Montgomery Street, Suite 900  
San Francisco, CA 94104  
Telephone: 415/986-1400  
415/986-1474 (fax)  
jennie@andrusanderson.com  
audrey.siegel@andrusanderson.com

SANFORD HEISLER SHARP, LLP  
KEVIN SHARP  
611 Commerce Street, Suite 3100  
Nashville, TN 37203  
Telephone: 615/434-7000  
615/434-7020 (fax)  
ksharp@sanfordheisler.com

SANFORD HEISLER SHARP, LLP  
EDWARD CHAPIN  
655 West Broadway, Suite 1700  
San Diego, CA 92101  
Telephone: 619/577-4253  
619/577-4250 (fax)  
echapin2@sanfordheisler.com

CASEY GERRY SCHENK FRANCAVILLA  
BLATT & PENFIELD LLP  
DAVID S. CASEY, JR.  
GAYLE M. BLATT  
ALYSSA WILLIAMS  
110 Laurel Street  
San Diego, CA 92101-1486  
Telephone: 619/238-1811  
619/544-9232 (fax)  
dcasey@cglaw.com  
gmb@cglaw.com  
awilliams@cglaw.com

WEITZ & LUXENBERG P.C.  
ELLEN RELKIN  
PAUL PENNOCK  
700 Broadway  
New York, NY 10003  
Telephone: 212/558-5500  
212/344-5461 (fax)  
erelkin@weitzlux.com  
ppennock@weitzlux.com

WEITZ & LUXENBERG P.C.  
MELINDA DAVIS NOKES  
1880 Century Park East  
Los Angeles, CA 90067  
Telephone: 310/247-0921  
310/786-9927 (fax)  
mnokes@weitzlux.com

Attorneys for Plaintiff The People of the State of  
California, acting by and through San Francisco  
City Attorney Dennis J. Herrera

By: /s/ Steven J. Boranian  
Steven J. Boranian (Bar No. 174183)  
Luke S. Porter (Bar No. 323847)  
REED SMITH LLP  
101 Second Street, Suite 1800  
San Francisco, CA 94105

By: /s/ Sonya D. Winner  
Sonya D. Winner (Bar No. 200348)  
Nathan E. Shafroth (Bar No. 232505)  
Isaac D. Chaput (Bar No. 326923)  
Covington & Burling LLP  
COVINGTON & BURLING LLP

Telephone: (415) 543-8700  
Facsimile: (415) 391-8269  
sboranian@reedsmith.com  
lporter@reedsmith.com

Eric J. Buhr (Bar No. 217528)  
Sarah B. Johansen (Bar No. 313023)  
REED SMITH LLP  
355 South Grand Avenue, Suite 2900  
Los Angeles, CA 90071  
Telephone: (213) 457-8000  
Facsimile: (213) 457-8080  
ebuhr@reedsmith.com  
sjohansen@reedsmith.com

*Attorneys for Defendant  
AmerisourceBergen Drug Corporation*

Salesforce Tower  
415 Mission Street, Suite 5400  
San Francisco, California 94105-2533  
Telephone: + 1 (415) 591-6000  
Facsimile: + 1 (415) 591-6091

*Attorneys for Defendant  
McKesson Corporation*

By: /s/ Neelum J. Wadhvani  
Neelum J. Wadhvani (Bar No. 247948)  
Enu A. Mainigi (pro hac vice)  
WILLIAMS & CONNOLLY LLP  
725 Twelfth Street, NW  
Washington, DC 20005  
Tel: (202) 434-5000  
Fax: (202) 434-5029  
nwadhvani@wc.com  
emainigi@wc.com

Edward W. Swanson, SBN 159859  
August Gugelmann, SBN 240544  
SWANSON & McNAMARA LLP  
300 Montgomery Street, Suite 1100  
San Francisco, California 94104  
Telephone: (415) 477-3800  
Facsimile: (415) 477-9010  
ed@smllp.law  
august@smllp.law

*Attorneys for Defendant  
Cardinal Health, Inc.*

By: /s/ Zachary W. Byer  
Zachary W. Byer (S.B. #301382)  
KIRKLAND & ELLIS LLP  
555 South Flower Street  
Los Angeles, CA 90071  
Tel: (213) 680-8400  
zachary.byer@kirkland.com

Jennifer G. Levy, P.C. (pro hac vice)  
KIRKLAND & ELLIS LLP  
1301 Pennsylvania Ave., N.W.  
Washington, D.C. 20004  
Tel: (202) 879-5000

By: /s/ Elizabeth A. Sperling  
Elizabeth A. Sperling (CA Bar No. 231474)  
ALSTON & BIRD LLP  
333 South Hope Street, 16th Floor  
Los Angeles, CA 90071  
Telephone: (213) 576-1000  
Fax: (213) 576-1100  
elizabeth.sperling@alston.com

Daniel G. Jarcho (pro hac vice)  
ALSTON & BIRD LLP  
950 F Street, NW  
Washington, DC 20004



Fax: (202) 879-5200  
jennifer.levy@kirkland.com

Donna Welch, P.C. (pro hac vice)  
Timothy W. Knapp, P.C. (pro hac vice)  
Karl Stampfl (pro hac vice)  
KIRKLAND & ELLIS LLP  
300 North LaSalle, Chicago, IL 60654  
Tel: (312) 862-2000  
Fax: (312) 862-2200  
donna.welch@kirkland.com  
tknapp@kirkland.com  
karl.stampfl@kirkland.com

*Attorneys for Defendants Allergan Limited (f/k/a Allergan plc f/k/a Actavis plc), Allergan Finance, LLC f/k/a Actavis, Inc. f/k/a Watson Pharmaceuticals, Inc., Allergan Sales, LLC and Allergan USA, Inc.*

By: /s/ Amy R. Lucas  
Amy R. Lucas (S.B. #264034)  
O'MELVENY & MYERS LLP  
1999 Avenue of the Stars, 8th Floor  
Los Angeles, CA 90067  
Tel: (310) 553-6700  
Fax: (310) 246-6779  
alucas@omm.com

Charles C. Lifland (S.B. #108950)  
Sabrina H. Strong (S.B. #200292)  
O'MELVENY & MYERS LLP  
400 South Hope Street  
Los Angeles, CA 90071  
Tel: (213) 430-6000  
Fax: (213) 430-6407  
clifland@omm.com  
sstrong@omm.com

Amy J. Laurendeau (S.B. #198321)  
O'MELVENY & MYERS LLP  
610 Newport Center Drive, 17th Floor  
Newport Beach, CA 92660  
Tel: (949) 823-6900

Telephone: (202) 239-3300  
Daniel.jarcho@alston.com

Cari K. Dawson (pro hac vice)  
Jenny A. Hergenrother (pro hac vice)  
ALSTON & BIRD LLP  
1201 West Peachtree Street, Suite 4900  
Atlanta, GA 30309-3424  
Telephone: (404) 881-7000  
cari.dawson@alston.com  
jenny.hergenrother@alston.com

*Attorneys for Defendant Noramco, Inc.*

By: /s/ Zachary Hill  
Zachary Hill (S.B. #275886)  
MORGAN, LEWIS & BOCKIUS LLP  
One Market, Spear Street Tower  
San Francisco, CA 94105-1596  
Tel: (415) 442-1000  
zachary.hill@morganlewis.com

Eric W. Sitarchuk\*  
Rebecca J. Hillyer\*  
MORGAN, LEWIS & BOCKIUS LLP  
eric.sitarchuk@morganlewis.com  
rebecca.hillyer@morganlewis.com  
1701 Market Street  
Philadelphia, 19103-2921  
Tel: +1.215.963.5000  
Fax: +1.215.963.5001

Wendy West Feinstein (pro hac vice)  
MORGAN, LEWIS & BOCKIUS LLP  
One Oxford Centre, 32nd.Fl.  
Pittsburgh, PA 15219-6401  
Tel: (412) 560-7455  
wendy.feinstein@morganlewis.com

*Attorneys for Defendants  
Teva Pharmaceuticals USA, Inc., Cephalon, Inc., Actavis LLC, Watson Laboratories, Inc., and Actavis Pharma, Inc. f/k/a Watson Pharma, Inc.*

*\*Denotes national counsel, pro hac vice forthcoming*

Fax: (949) 823-6994  
alaurendeau@omm.com

Stephen D. Brody (pro hac vice)  
O'MELVENY & MYERS LLP  
1625 Eye Street, NW  
Washington, DC 20006  
Tel: (202) 383-5300  
Fax: (202) 383-5414  
sbrody@omm.com

*Attorneys for Defendants Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc.*

By: /s/ Alan R. Ouellette  
Alan R. Ouellette (CA Bar No. 272745)  
FOLEY & LARDNER LLP  
555 California Street, Suite 1700  
San Francisco, CA 94104-1520  
Telephone: (415) 434-4484  
Facsimile: (415) 434-4507  
aouellette@foley.com

James W. Matthews (Pro Hac Vice)  
Ana M. Francisco (Pro Hac Vice)  
Katy E. Koski (Pro Hac Vice)  
FOLEY & LARDNER LLP  
111 Huntington Avenue  
Boston, MA 02199-7610  
Telephone: (617) 342-4000  
Facsimile: (617) 342-4000  
jmatthews@foley.com  
francisco@foley.com  
kkoski@foley.com

*Attorneys for Defendant Anda, Inc.*

By: /s/ Sean O. Morris  
Sean O. Morris  
John D. Lombardo  
ARNOLD & PORTER KAYE SCHOLER LLP  
777 South Figueroa Street, 44th Floor  
Los Angeles, CA 90017-5844  
Tel: (213) 243-4000  
Fax: (213) 243-4199  
Sean.Morris@arnoldporter.com  
John.Lombardo@arnoldporter.com

*Attorneys for Defendants Endo Pharmaceuticals Inc., Endo Health Solutions Inc., Par Pharmaceutical, Inc., and Par Pharmaceutical Companies, Inc.*

By: /s/ Charles J. Stevens  
Charles J. Stevens (SBN 106981)  
cstevens@gibsondunn.com  
Joshua D. Dick (SBN 268853)  
jdick@gibsondunn.com  
Kelsey J. Helland (SBN 298888)  
khelland@gibsondunn.com  
GIBSON DUNN & CRUTCHER LLP  
555 Mission Street, Suite 3000  
San Francisco, CA 94105  
Telephone: 415.393.8200  
Facsimile: 415.393.8306

Kaspar Stoffelmayr (admitted pro hac vice)  
kaspar.stoffelmayr@bartlitbeck.com  
Katherine M. Swift (admitted pro hac vice)  
kate.swift@bartlitbeck.com  
BARTLIT BECK LLP  
54 West Hubbard Street  
Chicago, IL 60654  
Telephone: 312.494.4400  
Facsimile: 312.494.4440

Alex Harris (admitted pro hac vice)  
alex.harris@bartlitbeck.com  
BARTLIT BECK LLP  
1801 Wewatta Street, Suite 1200  
Denver, CO 80202  
Telephone: 303.592.3100

Facsimile: 303.592.3140

*Attorneys for Defendant Walgreen Co.*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 2nd day of December, 2020, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF System. Copies will be served upon counsel of record by, and may be obtained through, the Court CM/ECF Systems.

*s/ Aelish M. Baig*

Aelish M. Baig